

REMARKS

Claims 1 to 23 are pending in this application. Claims 1, 21 and 22 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Claims 1 to 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Peters et al. (U.S. Patent Number 5,884,284 hereinafter "Peters"). Claim 23 was rejected under 35 U.S.C. § 103(a) as being obvious over Peters in view of Bromley et al (U.S. Patent Number 7,099,900 hereinafter "Bromley").

Claim 1 is directed to a method of managing workflows in a service provider environment in which a service provider provides data storage resources to a customer. The method includes providing the customer with a list of types of work order requests to select work to be performed based on a permission level defining a level of access to the data storage resources allowed to the customer. The work order requests include requests to manage configuration of the data storage resources provided to the customer. The method also includes receiving a selection of a type of work order request from the customer prior to performance of work associated with the selection, enabling the customer to generate a work order request of the selected type in a work order request submission, creating a database object based on the work order request and storing the database object in a database. The list of the types of work order requests includes at least one of requests to create a mirror or to restore remote mirroring.

Applicants respectfully submit that the cited art does not contain all the claim elements recited in claim 1. For example, Peters does not disclose or suggest that a list of the types of

work order requests includes at least one of requests to create a mirror or to restore remote mirroring (see, for example, page 11, lines 18 to 26 of Applicants' specification).

Peters discloses a system that "creates, maintains, processes and analyzes individual users for telecommunication services" (see Abstract of Peters). Peters does not disclose or suggest mirroring much less types of work requests that include creating a mirror or restoring a remote mirror. The Examiner has cited column 10, lines 22 to 29 of Peters as support for "restoring remote mirroring" (see page 3 of the Office Action) which recites:

The customer service functions provide the user with information needed to serve customers. These functions include the FCP function and the RMD function. The FCP function allows the user to perform certain functions when operating a draw or add systems front counter. The RMD function keeps track of the payment arrangements and miscellaneous reminder messages that the user may have entered regarding the various subscriber accounts.

The Examiner's rationale states that "the method of allowing user to access and update work order remotely corresponds to the claimed limitation" (see page 3 of the office Action).

Applicants submit that the Examiner's statement is not logical at least because the cited passage mentions nothing about work order requests or restoring remote mirroring. In fact the Examiner has ignored the word "mirroring" in her rationale. Applicants respectfully submit that the terms "mirror" and "mirroring" have meaning to one of ordinary skill in the art. For instance, mirroring is a "means of protecting data ...by duplicating it, in its entirety on a second disk" (see page 293 of the Microsoft Computer Dictionary, Fourth Edition included herein) or put another way "is the replication of logical disk volumes onto separate physical hard disks in real time to ensure continuous availability" (http://en.wikipedia.org/wiki/Disk_mirroring included herein).

As discussed in the teleconference on January 29, 2008 with Applicants' representative Anthony T. Moosey, nothing in the cited passage in Peters teaches mirroring much less restoring remote mirroring whatsoever to one of ordinary skill in the art.

Rather than teaching creating a mirror or restoring a remote mirror, Peters teaches a Reminder Maintenance Display (RMD) function for tracking of the payment arrangements and miscellaneous reminder messages and a Front Counter Processing (FCP) function to allow a user "to perform certain functions when operating a draw or add systems front counter" (see column 10, lines 22 to 29 of Peters). Again, neither of these functions in Peters teaches restoring remote mirroring or creating a mirror. Therefore, Peters does not disclose or suggest that the list of the types of work order requests includes at least one of requests to create a mirror or to restore remote mirroring as recited in claim 1.

Furthermore, Peters does not disclose or suggest that work order requests include requests to manage configuration of the data storage resources provided to the customer. The Examiner cites column 5, lines 42 to 46 of Peters:

The supervisor or system administrator may choose to allow different levels of access to applications and subscriber information depending on a user's job description. Reports summarizing various subscriber and cable activities may be generated by users on terminals 56.

It seems to Applicants that the Examiner is alleging that a report is a work order request.

Applicants submit that a report is not a work order request. Even if a report were a work order request, a report, using the plain meaning of the term, does not configure anything much less configure data storage resources. Also, the cited portion of Peters does not appear to teach that

anything is being configured at all. Therefore, Peters does not teach that work order requests include requests to manage configuration of the data storage resources provided to the customer.

Moreover, Applicants submit that one of ordinary skill in the art would not have looked to the Peters reference to find the recited elements in claimed. Applicants' claims are directed towards work order requests related to data storage resources whereas Peters does includes work orders but they refer to work orders to provide telecommunications service to a customer. The only storage resources mentioned in Peters is data storage 68 and though the user has access to data storage, none of the work orders are related to data storage 68. Applicants note that presumably the Examiner found this reference because she performed a search with "work order" as a search term; however her analysis completely ignores what the term "work order" means and how it is actually used in the Peters reference. Instead, the Examiner has focused on reports of work orders and not work orders themselves. By citing art that has no relevance to Applicant's claimed invention, the Examiner has drawn a number of conclusions different from what one of ordinary skill in the art would conclude.

For example, the Examiner has improperly parsed claim elements and then searched for support in Peters for the parsed portions. This improper parsing has resulted in the Examiner making an assertion about what Peters teaches which Applicants submit would not be the same as what one of ordinary skill in the art would find. For example, for the first claim element, the Examiner alleges that a first portion, "providing the customer with a list of types of work order requests to select work to be performed," is taught at column 19, line 4 to 9 of Peters and that a second portion, "based on a permission level defining a level of access to the data storage

resources allowed to the customer,” is taught at column 5, lines 39 to 42 of Peters (see page 3 of the Office Action). Applicants submit that neither of these cited sections of Peters is related to each other so that combining them in the manner suggested by the Examiner would not make sense to one of ordinary skill in the art. For instance, the first cited portion recites:

Turning back to FIG. 12, a typical report menu according to the present invention would give the user choices between several reports to generate. Once a user selects a specific report to be generated, the information relevant to the report is compiled by the server 66 from the files stored in central storage device 68 (see Column 19, line 4 to 9 of Peters).

Applicants surmise that the Examiner is equating a choice of a report to generate as the recited work order request and that the type of reports in FIG. 12 as the recited list of types of work order requests. The second cited portion recites:

The computer local area network 54 may be administered by a supervisor at a user station 56, the supervisor having personal priority codes allowing special access privileges and commands (see column 5, lines 39 to 42 of Peters).

Nothing in this second cited portion has anything to do with FIG. 12 much less refers to the types of reports in FIG. 12. Therefore, Peters does not disclose or suggest providing the customer with a list of types of work order requests to select work to be performed based on a permission level defining a level of access to the data storage resources allowed to the customer. Thus, Applicants submit that parsing the claim element in the manner that the Examiner has chosen has lead to a conclusion different from one of ordinary skill in art would conclude.

In another example, the Examiner has interpreted the claim term “work order requests” improperly in Peters in that for each claim element in claim 1, the Examiner changes her

interpretation of the definition of “work order request.” For example, for the claim element that recites “work order requests include requests to manage configuration of the data storage resources provided to the customer” the Examiner cites column 5, lines 42 to 46 of Peters as discussed above. This portion of Peters only refers to reports. This is inconsistent with the first claim element where a choice of a type of report to select was construed by the Examiner to be a work order request as discussed above. A report and a request for a type of report are not the same. Therefore, by interpreting a work order request differently within the Peters reference the Examiner has drawn a conclusion that one of ordinary skill in the art would not draw.

Based on at least the foregoing reasons, Applicants respectfully submit that the Examiner has omitted essential elements needed to establish a *prima facie* rejection, at least because Peters does not teach the claim elements discussed herein.

Claim 21 is an apparatus claim having corresponding features to claim 1. Applicants submit that the Peters reference should also be withdrawn with respect to claim 21 for at least same reasons as claim 1.

Claim 22 is an apparatus claim with all the elements being means-for claim elements under 35 U.S.C. § 112, paragraph 6 having corresponding features to claim 1. Applicants submit that the Peters reference should also be withdrawn with respect to claim 22 for at least the same reasons as claim 1.

For at least the foregoing reasons, Applicants request withdrawal of the art rejection.

Applicants submit that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

All correspondence should be directed to the address below. Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 123.

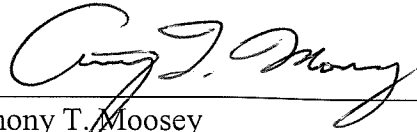
Applicants : Stephen Todd, et al.
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Attorney's Docket No.: EMC-034PUS

No fee is believed to be due for this Response; however, if any fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: EMC-034PUS.

Respectfully submitted,

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